IN THE HIGH COURT OF DELHI

Bail Application No.2123/2007

Sanjeev Hans .....Petitioner
! through: Mr.Ramesh Gupta, Adv.

VERSUS

$ State ..... Respondent
^ through: Mr.Pawan Sharma, Adv.

% DATE OF DECISION: 08.10.2007

CORAM:

* **Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y

2. To be referred to the Reporter or not? Y

3. Whether judgment should be reported in Digest? Y

: **PRADEEP NANDRAJOG, J.**

1. Petitioner Sanjeev Hans who is in judicial custody since 23.5.2007 seeks bail in FIR No.519/06 under Sections 308/304/323/325/34 IPC PS Dabri.

2. Learned counsel for the petitioner submits that a supplementary charge-sheet has been filed only on 24.7.2007 and learned Metropolitan Magistrate has listed the matter on 27.11.2007. On said date, subject to all documents being supplied to the accused persons, matter would be taken up for consideration for committal proceedings. Counsel urges that

keeping in view the offence which stand attracted in the FIR, the matter is bound to be referred for a Session's trial. That the matter would then be assigned to a learned Additional Sessions Judge. Thereafter, stage of arguments on framing charge would be reached. Counsel states that this would take considerable time and hence petitioner should be released on bail.

3. It is submitted by learned counsel for the petitioner that police investigation has been completed.

4. On merits, it is urged that the fight took place outside the house of the petitioner and a cross FIR has been registered. Counsel states that even a person from the side of the petitioner received injuries. Thus, since origin of the fight has become a matter in issue, petitioner should be released on bail.

5. Learned counsel for the State opposes the application for bail very vehemently and submits that petitioner was the principal assailant. The brutal assault on Rajeev resulted in his death.

6. On the origin of the dispute it may be noted that as per the FIR, Mritunjya, son of the complainant was making payment to labour outside his house. Complainant heard some noise and went outside to find the cause. He saw the petitioner with Rohit, Hardeep and Pankaj, all armed with sticks attacking his son. That his other sons viz. Rajeev, Niranjan and Arun also came out. Even

they were attacked.

7. I note that Rajeev was hit 3 times on the temporal region as per his MLC. He remained in the hospital for a few days. He could not be saved. He died.

8. The first bail application by the petitioner being Bail Application No.4323/2006 was dismissed on 1.12.2006.

9. Notwithstanding the fact that there has been a change of circumstance viz. challan has been filed after 1.12.2006, I am of the opinion that no case is made out to grant bail to the petitioner at this stage for the reason the offence is serious. A brutal assault was unleashed on Rajeev. 3 blows were directed against his head. Petitioner is the principal assailant.

10. The role of the petitioner has been graphically described in the FIR. Keeping in view the gravity of the offence first bail application was dismissed on 1.12.2006.

11. The application for bail is dismissed.

October 08, 2007 **PRADEEP NANDRAJOG, J.**
DK